Rev (1937) Department.

SERIES.

G.O. No. 1938

DATED 25th September 1937

C. Confidential

[Despatch Abstract.]

PUBLIC SERVANTS - (South Kanara) - Govinda Achari, f.R.Rv. M. - Clerk. Collector's Office - Age-rule for appointment as Deputy Tahsildar - Relaxation - Memorial to His Excellency the

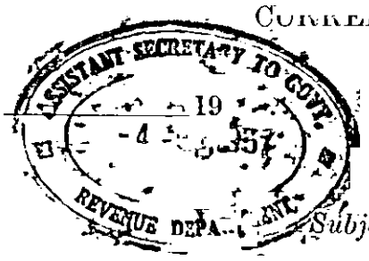
Confidential.

C.F. 31—13,206—14-12-35.

Revenue DEPARTMENT.

CURRENT No. 2287

Received 19



Registered 4.6.37 19

Subject

Govinda Achari M.R.Ry (South Kanara) Clerk Collector's Office rules for appointment as Deputy Tahsildar - Relaxation - Memorial

Reference No. 2653(Confdl.) 37-1.

Station Madras, Dated the 31-5-37. 19

From F.R.Brislee Esq., I.C.S.,
Secretary,
Board of Revenue.

J.F.Hall Esq., C.S.I., C.I.E., O.B.E., I.C.S.,
Commissioner of Land Revenue.

Read the following:-

Letter from T.A.Varghese Esq., I.C.S., Collector of South Kanara, D.Dis. 2285/37. dated 23rd May 1937:-

Govinda Achari M.R.Ry., M. - Upper division clerk - Collector's Office, South Kanara - Rule 4-A of the Madras Revenue Subordinate Service Rules - Relaxation for appointment as Deputy Tahsildar - Proposal - rejection - Memorial to Government - report submitted.

I submit herewith the memorial dated 8th May 1937 of M.R.Ry. M.Govinda Achari, clerk of my office, for a reconsideration of his case for appointment as a Deputy Tahsildar by relaxing Rule 4-A of the Madras Revenue Subordinate Service Rules.

letter Pdl. No. 76/37 Confdl., dated 16th March 1937, Mr 5-6 addressed to the Board.

****

REFERENCE:

Submitted to the Government in continuation of Board's Reference D.No. 2653/37-1, dated 31st May 1937.

Ramachandra Rao.
For Secretary. 4.6.37

To the Secretary to Government, Revenue Department, with an extract of the Collector's letter.

s.s./4-6-37.

Mr 5-6 urgent

His petition dated 21st December 1936, in the matter was rejected by me in this office Proceedings D.Dis. 6647-36 (Confidential) dated 14th April 1937 agreeably to G..O. No. Ms. 704 Revenue dated 31st March 1937 communicated with B.P. Routine No. 1990 (Confidential) dated 6th April 1937.

2. The facts of the case have been fully dealt with in this office report Ref. A-2 No. 6647/36 (Confdl.) dated 26th January 1937 submitted to the Board.

REFERENCE:

Submitted to the Government.

2. The Board invites the attention of Government to its Reference No. Confdl. 63-37-1, dated 15-3-1937 disposed of in G.O. No. 704 Rev., dated 31-3-1937.

3. The Board has no recommendation to make on behalf of the petitioner.

4. The memorialist has complied with the requirements in paragraph 1 (3) of G.O. No. 1306 Public (Services) dated 7th August 1935.

Secretary.

To the Secretary to Government, Revenue Department,

with a petition in original and records as perlist.

s.s./1-6-37.

CONFIDENTIAL:

C.F. 31—13,206—14-12-35.

Revenue **DEPARTMENT.**

CURRENT No. 2322F

Received _____ 19 . *Registered* 7.6.37 19

Subject.

Govinda Achari, M.R.Ry., M.- (South Kanara) - Clerk Collector's Office - Age rules for appointment as Deputy Tahsildar - Relaxation - Memorial.

Reference No. Confdl. D.2653/37-2.

Station ~~Madras~~, *Dated the* ~~3rd June 1937.~~ 19

From

F.R.Brisleé Esq., I.C.S.
Secretary,

Board of Revenue.

J.F.Hall Esq., C.S.I., C.I.E., O.B.E., I.C.S.,
Commissioner of Land Revenue.

Read the following:-

Letter from T.A.Varghese, Esq., I.C.S., Collector South Kanara, X.L.Dis. Confdl., dated 28th May 1937.-

Govinda Achari M.R.Ry., M.- Upper Division clerk Collector's Office, South Kanara rule 4 (A) of the Madras Revenue Subordinate Services rules - Relaxation - proposals for appointment as Deputy Tahsildar - memorial to Government Further report - Submitted.

In continuation of my report D.Dis. No.2285/37 dated 23rd May 1937 submitting memorial of M.R.Ry. M.Govinda Achari, Upper division clerk of the Collector's Office, I enclose an extract from paras 3 and 4 of my predecessor's

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Extract from paras 3 and 4 of this office letter Pdl. No. 76/37 Confidential dated 16th March 1937, addressed to the Board.

* * * *

Dy. Tahsildar's list. The following is a list of persons who are already on the list.

1) M. L. Dy. B. Ganesh, Stationary Sub Magistrate, Kasaragod.
2) " M. B. Shanker Rao, Dy. Tahsildar, Buntwal.
3) " U. Janardhana, Offg. Stationary Sub Magistrate, Mangalore.
4) " Solomon Joshua, Offg. Stationary Sub Magistrate, Coondapur.
5) " H. Sundara Rao, Offg. Stationary Sub Magistrate, Puttur.
6) U. Palli Devi, Sahib Bahadur, Offg. Stationary Sub Magistrate, Karkal.
7) M.R.Dy. P. C. Thimappa Shetty, Offg. Dy. Tahsildar, Bantwal.
8) " V. U. Parushurama Naik, Offg. Dy. Tahsildar, Puttur.
9) " Julian Aranha, Head clerk, Taluk office, Mangalore.
10) " Sadananda Pai, Upper Division clerk, Collector's office (on leave)
11) " M. Govinda Achari, Upper Division clerk, Collector's Office.

Of these 11 Officers, Nos. 1 and 2 have been confirmed during the year. Their names may be deleted from the list. Nos. 3 to 8 are acting as Stationary Sub Magistrates or Dy. Tahsildars. Nos. 9 and 10 were acting as Dy. Tahsildars till October 1936 when they had to revert for want of vacancies. The nomination of No. 11 (M. Govinda Achari) for inclusion in the list, though he was overaged was approved by the Board in B. P. Ref. Confidential No. 135/36-1 dated 16th April 1936, in the special circumstances reported by Mr. Gavne, but he could not be sent out to act as Dy. Tahsildar during the year for reasons explained in my letter Ref. A2 No. 6647-36-Confl. dated 26th January 1937. As recommended therein I request

that the Government may be moved to exempt Govinda Acharl from the operation of the age rule for one more year. In view of his outstanding work as Elections clerk, I strongly recommend that sanction may be accorded, as a special case, for his appointment as Sub Magistrate in preference to the persons who have already started probation and also those who have a preferential claim, under the communal rule.

4. In addition to the existing 9 names in the list which may all be retained, I recommend that the following three persons may be included in the list for the next year as the existing men in reserve will not be sufficient to meet the requirements of vacancies arising in the course of the next year.

Non-Brahmin.

1) M. R. Ry. B. Naraina Rao, Upper Division Clerk, Collector's office, age 38 years.

Brahmin.

2) M. R. Ry. P. Deva Rao, Upper Division clerk, Inspecting Tahsildar's Office, age 37 years.

Mahomadan.

3) Sheik Hassan Saheb, Record Keeper, Collector's Office, age 37 years.

(True copy)

18/5/47

Collector.

M E M O R I A L

to

H i s E x c e l l e n c y

L O R D E R S K I N E, G.C.I.E.,

Governor of Fort St.George,

M A D R A S.

To

His Excellency

L O R D E R S K I N E, G.C.I.E.,

Governor of Fort St. George,

M a d r a s.

Through

The Honourable

The Board of Revenue,

M a d r a s.

And

The Collector of South Kanara,

M a n g a l o r e.

Humble Memorial of M. Govinda Achari, Clerk, Collector's Office, M a n g a l o r e, Dated: 8th M a y, 1937.

May it please Your Excellency,

The Memorialist most humbly and respectfully begs ⇒ leave to approach Your Excellency with his - following grievances for sympathetic consideration and favourable orders:-

Item 43 at p 5 of the Seniority list corrected upto 1-4-37 (printed)

2. The Memorialist is a permanent upper division clerk of the Collector's Office, Mangalore, with a long and unblemished service of 22 years, excluding officiating service. All along, his work - both as Revenue Inspector and as clerk - received the high appreciation of many Collectors, but it was not until Mr. E.M. Gawne, I.C.S., took charge of South Kanara, that his good services received recognition, for Mr. Gawne was pleased not only to promote him to the upper division but also to recommend under special circumstances, that his name be included in the Deputy Tahsildars' list. The Board of Revenue was pleased to accept the recommendation and Your Excellency's

Government were also pleased to invest the Memorialist with III Class Magisterial Powers - Please see Government Notification No.78 dated 28-4-36 published at page 551 of the Fort St. George Gazette, Part I, dated 5-5-1936.

3. That the orders of the Board and of the Government referred to above were passed under peculiar circumstances and special considerations would be clear from the fact that all this happened after the Memorialist attained the age of 42 years, when the age limit of 40 for inclusion in the - Deputy Tahsildars' list was being rigidly enforced and when the question of framing rule 4A of the - Madras Revenue Subordinate Service Rules was under contemplation.

4. Unfortunately for him, however, the Memorialist was then in charge of an important and difficult subject - Election to the New Provincial Legislatures - which required special attention in the Collector's Office, of which Your Excellency's Government must be well aware. The Memorialist submits that at the risk of his health, he worked at this table day and night and hopes that in doing so, he gave every satisfaction to the Collectors - under whom he served, with the result that in the interests of that work, he could not be spared for promotions, even when occasions arose.

5. The first vacancy that arose during the period in the grade of Deputy Tahsildars was of a Non-Brahmin turn in the second rotation of the - Communal rule and in view of the special circumstances, under which his name was included in the Deputy Tahsildars' list the Memorialist ought to have been -

preferred to any other Non-Brahmin as the Memorialist belongs to the Vishwakarma Community which has already been declared by Government as a Non-Brahmin caste. But that vacancy was given to another Non-Brahmin clerk, who was only 30 years old and had not more than 7½ years' service to his credit, whereas the Memorialist was 42 years old and had three times the former's service. Two subsequent vacancies went to an Indian Christian and a Gowd Saraswat Brahmin, who were 38 and 34 years old and had put in only 12 and 11 years' service respectively.

6. Again, when all the three persons referred to above, who had started their probation, were continuing as Deputy Tahsildars and when the Memorialist was the only candidate exercising III Class Magisterial powers awaiting appointment and when again the turn according to the communal rotation was that of a Non-Brahmin, a Tahsildar applied for four months' leave. This was not immediately granted but only subsequently, after recalling another Tahsildar on leave and this was done, as could be gathered from subsequent events merely because the Memorialist could not be disturbed from his seat.

7. Subsequently, when the District Labour Officer, South Kanara, applied for a month's leave, it was also refused. It may not be out of place to mention here that the need for the leave was so great that the District Labour Officer was subsequently forced to take only two days' leave on average pay along with the Christmas holidays. All the same, the leave was refused. Here again, the Memorialist was the only person who could have been appointed as a Deputy Tahsildar if the leave had been granted, but he

lost this third chance as well. Further, he would not be spared even for a small promotion of the I Accountant's place in the Collector's Office.

8. It was about this time that the New Statutory rule fixing 43 years as the maximum age limit for appointment as Deputy Tahsildars was framed in G.O.No.1399, Public (Services), dated 18-8-1936. At that time, four months had elapsed after the Memorialist had been invested with III Class powers and he had barely FIVE months left before him for completing his 43rd year. Even when it was represented that this new rule would operate as a bar against the Memorialist, the Collector, Khan Bahadur M. Humayun Saheb Bahadur, simply consoled the Memorialist by saying that he would write to Government and get exemption, but would not appoint him as a Deputy Tahsildar, merely for the reason that the Election work would suffer.

9. Mr. Humayun, however, told the Memorialist that he made the above point clear by leaving a note at the time of handing over charge, suggesting therein to his successor, Mr. A. D. Crombie, C.I.E., I.C.S., that the Memorialist might then be appointed as a Deputy Tahsildar by granting to the District Labour Officer, South Kanara, the leave which had been applied for and refused. Unfortunately, at that time, the question of the disbandment of the Special Deputy Tahsildars appointed for Election work came up for consideration and the Collector, Mr. Crombie could not undo what Mr. Humayun had previously done, as no vacancy of a Deputy Tahsildar could then be made available for the Memorialist.

10. Finally, when in December last, the District Labour Officer applied again for leave owing to urgent necessity, and when the other candidates who had reverted were either on leave or undergoing Treasury training, the Memorialist urged his claim by a petition. Mr. Crombie was then pleased to express that the Memorialist could not be spared and as the vacancy was short, he could not be appointed. Mr. Crombie, however, gave the Memorialist to understand that he would recommend him for an extension. This, the Memorialist believes, he did. But to his disappointment, the Memorialist now finds that his petition has been rejected - please see Collector's order D.Dis.No.6647-36 (Confdl.), dated 14-4-37, enclosed.

11. The Memorialist earnestly hopes that the above circumstances will convince Your Excellency that it was not on account of any fault of his or for want of any vacancy that the Memorialist was held back, but on account of the exigencies of administration - Election work - from which he could not be disturbed. There is nothing more painful for the Memorialist than to see that this arduous Election work should thus have come down upon him more as a punishment than as a reward for the good services rendered.

12. The Memorialist respectfully submits that while approving the Collector's recommendation and investing the Memorialist with Magisterial powers, it would never have been the intention of the Board and of the benign Government that the Memorialist should not get his chance of being appointed as a Deputy Tahsildar when occasions arose. On the other hand, the Memorialist believes that it must have been the idea

of the authorities concerned that his good services should be rewarded at the earliest opportunity, though at that time he was already 42 years and 3 months old. Instead of giving that which he had earned by dint of hard labour and honest service, the Memorialist was, in fact, deprived of the benefit of what the Collector (Mr. Gawne), the Board and the Government had been - pleased to do for him.

13. The Memorialist has been during the last one year working as a Special III Class Magistrate, trying Criminal cases. He submits that it will be a great mortification for him if he should still be denied the chance of being appointed as Deputy Tansildar merely on a technical ground which was not brought on by himself, but owing to the exigencies of the public service.

14. The Memorialist belongs to the Vishwakarma (Goldsmiths') community, which has been recognised by the Government to be a Backward Caste. It is universally known that this community is a down-trodden one. It is so backward in point of education that not even 5% of its 40,000 members are literates. It is also so poorly represented in public service that besides the Memorialist, there are not more than five members of that Community in the whole of the public service in the District and they too, only as lower division clerks. Unfortunately, none of the Statutory rules - General or Special - authorises either the Collector or the Board to give any sort of relief to the persons who have been affected by such exigencies of service. The Memorialist is therefore constrained to approach Your Excellency in this matter.

15. In the above circumstances, the Memorialist most humbly and respectfully prays that Your Excellency may, after referring this Memorial, if considered necessary, to Mr. Crombie for his remarks, be graciously pleased to direct:

Rule 4.A in C.S. at p.191 of the Services manual, Vol II (Madras)

(i) that the rule regarding the age limit quoted above may, in the special circumstances of the Memorialist's case, be relaxed so that the Memorialist can be appointed as a Deputy Tahsildar in the current official year which will bring forth many vacancies,

(ii) that the Memorialist be given a preference not only over the new entrants into the Deputy Tahsildars' list, but also over the three persons referred to in para 6 above, and

pp 11-13 Supra

(iii) that pending final decision in the matter, the Collector be authorised to appoint the Memorialist in any future vacancy of Deputy Tahsildar, lest he should otherwise suffer any further,

and thus save the Memorialist from perpetual agony; for which act of benevolence and justice, the Memorialist shall ever pray.

May it please Your Excellency,
Your Excellency's most obedient
and loyal servant,

Lakshmi Rohary

8.5.37

5

List of records sent with Board's Ref. D.2653/37-1, dated 31-5-3

1. D.Dis. 6647-36 (Confdl.) dated 14th April 1937. (Z)
2. L.Dis. 2307-A-2-36, dated 14th May 1936. (P)
3. L.Dis. 2573-A-2-36, dated 8th June 1936. (Q)
4. L.Dis. 2746-A-2-36, dated 15th June 1936. (T)
5. L.Dis. 4438-A-2-36, dated 29th August 1936. (W)
6. L.Dis. 6398-A-2-36, dated 15th December 1936. (N)
7. L.Dis. 3787-A-2-36, dated 19th August 1936. (E)
8. One sealed cover containing Confdl. reply

SECRETARY TO GOVERNMENT
3- JUN 1937
REVENUE DEPARTMENT

1.0 Re submitting to Govt. Rev Dept

1.6

Rev. Dept.

Govinda Achari, M.R.J.M. (South Kanara), Clerk, Coms office - Appn. rule for appointment as Dy Tahr. Relaxation.

Cyc. 2286 & 37. From the Board of Rev, K.A.H.S, Reg. D. no 2653 (Conf.)/37-1 & 31. 5. 37.

Cyc. 2322 & 37. From the Board of Rev, K.A.H.S, Reg no Conf. D. 2653/37-2 & 3. 6. 37.

Tours.

Memo. See the memorial at Pp 9-21 C. and the B.R's Reports at Pp 1-2 and 3-4 C. The memorial is addressed to H.E the Govr and under Secy instructions the papers were sent to the Secy to Govt for

11.6.37 Govt 14.6.37

The following information is furnished with reference to paragraph 4(3) of G.O.No.1306 Public (Services) dated 7-8-35:-

(i) The memorial is a representation against the orders passed in G.O.No.704 Revenue dated 31-3-37. The orders in this G.O. were passed on a reference received from the Board of Revenue bringing the petitioner's case to the notice of the Government.

(ii) The memorial is in time; and

2. For the facts and history of the ase, please see the Board's Reference at pages 1-3, he note at pages 5-7 and the order at page 9 of .O.No.704 Revenue, dated 31-3-37.

15/6

H.E. This case had better be re-examined particularly in view of Mr Brombie's letter to G.S.
E. 20.5.37.

GOVERNMENT HOUSE

20th June 1937

Dear Lawrence Bond,

With reference to
H.E.'s order on the
memorial of M. Jovinda
Ashwin Thakur Gomtici
D.O. letter dated 21st April 1934 - 5 copies
also on four leaves dated 1934 - 7 copies
1st June.

Yours sincerely

J Byrne.

21 Apl. 1937.

Dear Boag,

My elections clerk in Mangalore, Mr. Govindachari, has passed the age-limit for promotion to Dy. Asstt. and I understand that his petition for exemption for a year, which I very strongly recommended, has been rejected. I also made a very strong recommendation about it when I sent up my proposals in the half yearly report to the Bd. of clerks suitable for promotion just before I left Mangalore.

I understand he proposes to submit a memorial to Govt. This is certainly an extremely hard case. There is no doubt, I think, that Sturrock could have given him an acting vacancy last year, and I can only conclude that the reason he did not do so (by holding up leave applications) was that Govindachari was

6

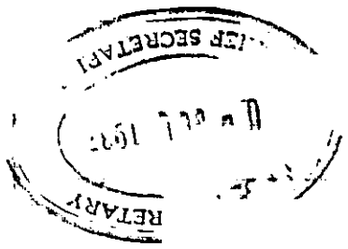
Guindy Park, Saidapet

1st June 1937

My dear Boag,

I am giving this letter of introduction to a clerk in the Mangalore Collector's Office ashe has got a memorial which he has recently sent up to H E through the Board. It is one of the 'age-bar' Dy Tahsildar cases. He was on the list when I was Collector and I gather that he lost his chance on the communal rotation because he was in charge of election work and neither Humayun nor Crombie would let him go and so the opportunities which offered did not come to anything because in both cases the officers were refused leave. When a third chance came the age-bar operated against him. This is really a hard case because on the one hand one knows how a Collector would have been unwilling to lose his election clerk in the middle of the election preparation time and on the other it was definitely very tough that a man who was selected for the election work should have to lose his future promotion because of his merits as a clerk. I M considered that

Rev.



Please see H.C's note at p/2 and the Dos at pp 3-7 above. The police case has been examined further in the note flagged (B) (D)

2. The remarks of Pub (Sec) may be invited on the note

3/7

5-7-37

2286 P/37

with a l.f. of Rem...
888. List of S...
etc.

250/0

para 15, p 21 CF

p 2 ante

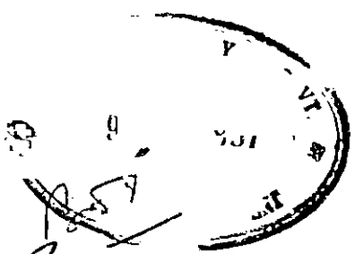
In his petition to H.E. the Governor, the petitioner requests that the age rule for appointment as Deputy Tahsildar may be relaxed in his favour. H.E. has ordered the examination of the petition in the light of Mr. Crombie's D.O. to Mr. Boag at pages 4-5 ante.

The facts of the case are mentioned in paras 1 to 4 of the Note for H.E. the Governor at pages 1-3 of flag (D). It is stated in Mr. Crombie's D.O. that the petitioner lost his chance of appointment as Deputy Tahsildar before exceeding the age-limit on account of the fact that two officers were refused leave for the reason that the petitioner could not be spared from election work of which he was in charge. The Collector of Chingleput has also stated the same thing - vide his D.O. at pages 6-7 ante. // A Tahsildar applied for leave in May 1936 but the leave was not granted until another Tahsildar returned from leave. Mr. Crombie's D.O. implies that if the Tahsildar was granted leave immediately he applied and a Dy.Tahsildar promoted as Tahsildar, a Deputy Tahsildars' post would have fallen vacant and the petitioner would have been appointed as Dy. Tahsildar in that vacancy. The Collector's office file on the subject is at flag (I), but there is nothing to indicate that because the petitioner could not be spared from election work, leave ~~for~~ was refused to the Tahsildar. If the petitioners' junior had been appointed as Deputy Tahsildar because the petitioner could not be disturbed from election work, there might be a case for relaxing the age rule in favour of the petitioner.// A District Labour officer applied for leave in August 1936 but the leave was refused. The Collector's office file is at flag (W). Here also there is nothing to indicate that leave was refused to

to the District Labour Officer because the petitioner could not be spared from election work. It was suggested in the office note that an English Head Clerk or an Assistant Registration Officer might be transferred as District Labour Officer and the petitioner appointed as English Head Clerk or Assistant Registration Officer, in which case the services of the petitioner would be readily available for election work whenever necessary. This would seem to show that the petitioner was not actually doing election work at the time. // It is also stated in Mr. Crombie's D.O. at page 5 ante that the petitioner could have been appointed as District Labour Officer but that there seemed to be no point in it as service as District Labour Officer did not then count for probation as Dy. Tahsildar. It is also stated that it was unfortunate that Mr. Govinda Achari/the petitioner was not then appointed, because service as District Labour Officer was later on allowed to count for probation as Dy. Tahsildar. It is submitted that no such Government Order has been issued. The following rule was issued with effect from 1-4-1936, viz., that if a vacancy arose during the period a person on the list of Dy. Tahsildar was absent on duty in a post service in which did not count for probation in the post of Dy. Tahsildar, he/should, if considered fit, be appointed as Dy. Tahsildar in his turn, subject to the condition that on return he satisfactorily completed the period of probation. The Collector's office file regarding the application from for leave ~~of~~ the District Labour Officer is at flag (N) The District Labour Officer applied for 2 days leave before the Christmas Holidays of 1936 and the Tahsildar was put in additional charge. There seems to have been no necessity to appoint a substitute for the 2 days and even if the petitioner had been appointed, it would not have saved him from the age-limit for appointment as

Deputy Tahsildar as service as District Labour Officer would not count for probation as Deputy Tahsildar.

With the above remarks the file may be returne to Revenue.



Rev 3377F
2.8.37.

Rev.

(Returned by Rev with letter no
ff(S) 2286 F/37-2 dt 13.8.1937)

Public (Services) Department

Revenue Department have sent the file again with a Routine note stating that according to the note in certain other files of the Collector's Office, Mr. Govindachari was doing election work at the time leave was refused to the Tahsildar and to the District Labour Officer and that the reason for the refusal of the leave was that Mr. Govindachari could not be spared from election work.

The notes referred to are:-

(1) Office Note dated 29-9-1936 at page 1 and the office note dated 6-1-1937 at page 4 of Collector's office file D.Dis.6647-36, dated 14-4-1937- flag (Z).

(2) Office note dated 9-5-1936 at page 2 of Collector's Office file L.Dis.2307-A2-36, dated 15th May 1936, in which it is stated that "Mr. Govindachari is doing A.3's work in our office". ff (P)

(3) T.D.C's note dated 28-7-1936 at page 3 of Collector's file 3727-A2-36, dated 11-8-1936 in which it is stated that No.5 (Mr. Govindachari, A.3) would be very suitable (for the post of Accountant) but

but he is doing important work in the Collector's Office, suits and election work. fl (E)

Leave was applied for by the Tahsildar and District Labour Officer on 30-5-1936 and 25-8-1936 respectively. The Tahsildar was granted leave on 15-6-1936 when another Tahsildar returned from leave. Orders refusing leave to the District Labour Office was passed on 29-8-1936. It definitely stated that Mr. Govindachari was doing elections work. Submitted for orders whether it may be assumed that the leave for the Tahsildar was postponed and that the leave for the Dist. Labour Officer was refused because Mr. Govindachari could not be relieved from Elections work. But the fact remains that no one junior to Mr. Govindachari was appointed as Deputy Tahsildar which would have been done had the leave been so imminently necessary.

For orders whether the following may be added as the note of this Department at the end of the note for H.E. put up by Revenue.

"Even assuming that Mr. Govindachari could not be disturbed from elections work when [the Tahsildar and] the District Labour Officer applied for leave, the leave might have been granted if it was so imminently necessary, and in the consequential arrangements some person junior to Mr. Govindachari might have been appointed as Deputy Tahsildar. In that case there might be sufficient reason to relax the age rule in favour of Mr. Govindachari".

28/8/37

Type Pub(Rev)'s note on to D & submit. Rev.

30/8.

(D) 39

Tone

The note from Rubasses dispn has been typed as proposed note at fl (D). The following be circulated to H.E. then H.R. Rev: and then Hon'ble the Premier.

Rkn DRR 31.8.37. 31.8.37.

Please see H.E's orders at p 2 above. The case has been examined in detail in the note flagged (D) : 2 1/2 pp. 41 wd

1/9

Hon Sr 1/9

Hon (Rev) JP 19/9

H.E. I do not think there is any strong case for upsetting what has been done. The petitioner's claim is very slender. C.R. 20/9

cfs : 2.9.37. N.18

I decline to interfere. E. 23.9.37

SECRETARY TO GOVERNMENT 24 SEP 1937 REVENUE DEPARTMENT

Tone

A draft order is put up for approval.

(The note at fl (D) note be stitched

with the original qpac fo. Such important
rules are usually so stitched. It seems
unnecessary to stitch the rules at (5) with
the original ff, as the substance of it is embodied in
the Public rules at pp. 11–12 above).

John
4/9/37

Ash
sth. 9.37

Jones

41

REVENUE DEPARTMENT.

NOTE FOR HIS EXCELLENCY THE GOVERNOR.

Before the special rules for the Madras Revenue Subordinate Service were amended in G.O.No.1399 Public (Services), dated 18-8-1936, prescribing age-limits for selection for and appointment to the post of Deputy Tahsildar, the Board of Revenue was adopting a convention that no person should be appointed as Deputy Tahsildar unless he was within 40 years of age. In G.O.No.1399 Public (Services), dated 18-8-1936, a new statutory rule was added requiring the application of the age-limit of 40, only at the time of selection for appointment as Deputy Tahsildars, but permitting the actual appointment of the person selected at any time before he attained the age of 4' provided the person selected continued to be fit mentally and physically. The Board relaxed the convention in certain cases.

Original at (H) (C), in the bottom file.

2. On the recommendation of the Collector of South Kanara (Mr. E.M.Gawne), the Board included the memorialist's name in the list of persons eligible for appointment as Deputy Tahsildars in March 1936 though at that time, the memorialist had completed 42 years of age. In G.O.Rt. No.82 Home dated 28-4-36 the Government invested the memorialist with 3rd class magisterial powers.

p.1 of G.O.Rt.82 Home 28-4-36 (O)

pp. 1-2 of G.O.704 Rev 31-3-37 (J) and page 2 N.F. of (P) (O)

3. On account of the appointment of Deputy Tahsildars as Assistant Registration officers three vacancies arose in May 1936 and the three persons mentioned below were appointed as Deputy Tahsildars in the districts. The fourth person mentioned below was appointed in a subsequent vacancy. The details of the appointments made after the inclusion of the memorialist's name in the list are given below:-

(1) P.S.T.Shetti -- A probationer in the post of Deputy Tahsildar who had been reverted. p.1 N.F. (P) and p.8 C.F. (Z)

(2) S.U.P.Naik - Non-Brahmin turn; his name had been included in the list earlier than that of the memorialist, ~~and~~ he was senior to ~~him~~ the memorialist in grade -- p.2 N.F. of (P) and p.8 C.F. of (Z)

date of appointment -- 9-5-1936. p.13 C.F. of (P)

(3) J. Aranha -- Christian turn -- date of appointment 9-5-1936. pp. 2-3 N.F. of (P) and p.13 C.F. ibid

(4) A. Sadananda Pai - Brahmin turn - date of appointment 6-6-1936. p 17 C.F. of (L) and p. 4 N.F. ibid.

After all the four persons mentioned above had been appointed as Deputy Tahsildars, the memorialist was the only candidate available in the South Kanara list for appointment as Deputy Tahsildar. p.1 N.F. of (W)

A Tahsildar then applied for four months' leave. pp.1-2 C.F. of (I)

The grant of leave was however put off for some time on administrative grounds and the leave was granted only by recalling to duty another Tahsildar who was on leave, though there were persons available in the Tahsildar's list at the time for appointment as Tahsildars in that district. pp.1-3 N.F. of (I) p.7 C.F.ibid p.9 C.F. of (Z)

In August 1936, the District Labour Officer applied for leave. This leave was also refused on administrative grounds. p.1 C.F. of (W) and p.3 N.F. ibid.

In November 1936, the special staff for elections was disbanded and owing to the reversion of some acting Deputy Tahsildars, the memorialist lost his chance of being appointed as Deputy Tahsildar. p.2 N.F. of (Z)

The memorialist completed his 43rd year in January 1937. 'R' at p.5 N.F. of (Z)

4. In March 1937, the Board submitted the petitioner's case to the Government and recommended that the age-rule for the appointment of Deputy Tahsildar (then rule 4-A and now revised rule 5(a) of the Madras Revenue Subordinate Service) might be relaxed in favour of the memorialist for a period pp.1-3 of G.O.704 (J) 31-3-37 introduced by the G.O.

of one year. The Government rejected the Board's recommendation on the following grounds:- pp.6-7 of (J)

(i) That no hardship has been established so as to invoke the aid of Classification Rule 12;

(ii) That there would be a large number of similar cases in other districts and the grant of the concession in one case would create an inconvenient precedent;

(iii) The memorialist had not been considered suitable and fit for selection to the post of Deputy Tahsildar, till he was 42; and

(iv) That the memorialist could not expect to be appointed within a year of the inclusion of his name in the list.

5. In this connection please see the D.Os. from Messrs. Crombie and Gawne at pages 4-7 of the note file. It has been stated that it was unfortunate that the memorialist should have lost his promotion because of his merits as election clerk and that he could have been given an acting vacancy. It is however submitted that the very circumstances which held out prospects of the memorialist's appointment as Deputy Tahsildar in 1936, were abnormal. But for the elections there would not have been three extra vacancies. The normal vacancy would have been the one which ultimately went to the Brahmin candidate in June 1936. In this one vacancy, the probationer who had already acted as Deputy Tahsildar viz., P.S.T.Shetti would have been appointed. Even if leave had been granted to the Tahsildar referred to in paragraph 4 at page 2 of G.O.No.704 dated 31-3-1937, the next man on the list viz., S.U.P.Naik would have been appointed as the p. 2 of (J)

(J)

turn was that of a Non-Brahmin and as S.U.P.Naik was senior to the memorialist. Assuming that the District Labour Officer referred to in paragraph 5 at page 2 of (J) had been granted leave in addition to the Tahsildar and that a permanent Deputy Tahsildar had been posted as District Labour Officer the third man mentioned in paragraph 3 of this note would have been appointed as the turn was reserved for a Christian.

It is thus clear that but for the "accident" of elections, the memorialist would have been nowhere near appointment as Deputy Tahsildar. It happened, however, that the elections created three more vacancies but when qualified candidates were available on the list for the respective communal turns, the petitioner could not have been appointed without an infringement of the rules.

It has been pointed out that had leave been granted to the Tahsildar and the District Labour Officer referred to above, the petitioner would have been appointed in one or other of the consequent vacancies. In this connection attention is invited to paragraph 4 of the note at page 2 of the Original of G.O.No.1399 Public (Services) dated 18-8-1936. The age-limits were prescribed in the Statutory rules to avoid the irregularities pointed out in that paragraph -- please see 'B' on page 4 of the same G.O.

pp 4-5 N.F.

(H) in the bottom file.

In the circumstances it will be seen that while the clerk's merit was responsible for the inclusion of his name in the list even after he had attained the age of 40, it in no way prevented his being appointed to the post of Deputy Tahsildar. In spite of the abnormal number of vacancies, the clerk could not be appointed,

(a) as there were persons senior to him,

(b) as the communal rotation had to be followed, and

(c) as administrative conveniences rendered it impossible for other persons to be permitted to proceed on leave.

6. The memorialist now requests:-

p. 21 Cf

(i) that the age-rule may be relaxed in his favour to enable him to be appointed as Deputy Tahsildar in the current official year;

(ii) that he may be given preference (presumably for appointment in fresh vacancies) over the three persons who were first appointed as Deputy Tahsildars after his name had been included in the list, viz., ~~items~~ candidates (2) to ~~and~~ (4) at page 2 supra; and

(iii) that pending final decision in the matter, the Collector of South Kanara may be instructed to appoint the memorialist as Deputy Tahsildar in any future vacancy.

As regards request (i) please see paragraphs 4 and 5 above. If the memorialist is to be appointed as Deputy Tahsildar the revised rule 5(a) of the Madras Revenue Subordinate Service Rules will have to be relaxed in his favour.

ame as Rule 4-A
pproved in flag (C)

Aa regards request (ii) (seniority), t will be observed from paragraph 2 of the Board's eference at page 2 of G.O.No.704 Revenue, dated 31-3-1937 that the appointments of all the four persons mentioned in paragraph 3 above were made in accordance with the rules. Candidate No.(2) mentioned in paragraph 3 of this note was senior to the memorialist even in 1936, and there is no reason why the memorialist should be placed over him. All the three i.e., Nos.(2) to (4) in paragraph 3

above are probationers in the Madras Revenue Subordinate Service and they are entitled to re-appointment earlier than the memorialist (assuming he is to be appointed).

If the memorialist is to be given preference over them, Rules 3(e), 3(f), 3(g) and 13 of the General Rules for Subordinate Services will have to be relaxed. There is nothing to indicate that the petitioner should be given preference over the others. The grant of request (i) will enable him to get appointed as Deputy Tahsildar and nothing further would seem necessary.

Request No.(iii) is not clear. If the petitioner wishes to be appointed before the probationers mentioned above, the note in respect of request No.(ii) will cover the case. If the petitioner merely wants appointment in the usual course of things, request No.(i) will amply cover this.

7. To sum up, the points in favour of a relaxation of the age-limit rule in favour of the memorialist are:-

(1) The memorialist is an intelligent clerk, and would make a good Deputy Tahsildar.

(2) He belongs to the Goldsmith community, a backward community, which is poorly represented in Government service in the district.

(3) Though now over 43 he does not look aged.

(4) Although there was a windfall in the matter of vacancies in 1936, the memorialist was the only candidate on the list who was unable to secure an acting vacancy.

The points against any relaxation of the rules in the memorialist's favour are

(i) to (iv) the four grounds mentioned in paragraph 4 above.

(v) The Goldsmith community is not a scheduled class but is part of the non-Brahmin community. It cannot be treated as separate from the larger community of which it is part.

S. at page 1 of
rvices Manual, Vol.II.

(vi) When an age-limit has been prescribed in the Statutory Rules, the question of physique or appearance does not count. An age-limit should be relaxed only for very exceptional reasons.

(vii) The circumstances mentioned in paragraph 5 of this note

(viii) Arrangements already made should not be altered; a

(ix) The petitioner is now over 43 and the age-limit for appointment to the post of Tahsildar is 45. Even if the rules are relaxed now, he cannot hold any post higher than that of Deputy Tahsildar.

5/7

te by the Public (Services) Department.

Even assuming that Mr. Govindachari could not be disturbed from elections work when the District Labour officer applied for leave, the leave might have been granted if it was so imminently necessary, and in the consequential arrangements some person junior to Mr. Govindachari might have been appointed as Deputy Tahsildar. In that case there might be sufficient reason to relax the age rule in favour of Mr. Govindachari."

C.F.B.
28-8-37.

49

Rev. Dept.

C.F. 16.

DRAFT FOR APPROVAL.

29/9/39

SUBJECT :—

	Date.	Initials.
When received for fair copying ..	[illegible]	[illegible]
When copied ..	28/9.	28/9
When examined ..		
When signed ..		
When despatched.		

(1) READ AGAIN ~~forms~~ 704 Rev, dated 31. 3. 1937.

" " " dated 19

READ ALSO Petition

-4 Cs No. From ~~the~~ Mrs M. Govinda Achi, No. —, dated 8.5.1937.

1-2 Cs " 22863) " the Bd of Revs, Vdsp Dt. " 2653 Cyl (37)-1831.5.1937.

Mp 3-4 Cs " — " ~~the~~ do Rayavo Cyl (2).2653 (37)-2 " 3.6.1937.

Order ~~Resolution~~ Ms. ~~Rout.~~ No 1938, dated 25 — 9 — 1937.

Move

I min see Govt

for

H.E. the Governor declines to interfere on behalf of these memorialists

Memorialists thro' the Bd of Revs. (Inter Fisc 24/9/37)

Bd of Revs. (with records & petitioners)

Action taken

Abstract

Act 24.9.37.

28/9

ref with 37

List of records ~~sent with Board's Ref. D.2653/37-1, dated 31-5-~~:

---

1. D.Dis. 6647-36 (Confdl.) dated 14th April 1937.
2. L.Dis. 2307-A-2-36, dated 14th May 1936.
3. L.Dis. 2573-A-2-36, dated 8th June 1936.
4. L.Dis. 2746-A-2-36, dated 15th June 1936.
5. L.Dis. 4438-A-2-36, dated 29th August 1936.
6. L.Dis. 6398-A-2-36, dated 15th December 1936.
7. L.Dis. 3787-A-2-36, dated 19th August 1936.

8. One sealed cover containing Council sheets.